

DEC 08 2004



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FACSIMILE TRANSMITTAL SHEET

To: Examiner Joseph M. Pelham – Group Art Unit: 3742
FIRM/COMPANY: U.S. Patent and Trademark Office
FACSIMILE NUMBER: 703.872.9306
CONFIRMATION TELEPHONE: 703.308.0858 (Receptionist) or
703.308.1709 (Examiner)
FROM: Anne Marie Leavy for Edward J. Lynch
DIRECT DIAL: 415.371.2217
DATE: December 8, 2004
USER NUMBER: 5121
FILE NUMBER: Docket No. R0367-01601
**TOTAL # OF PAGES:
(INCLUDING COVERSHEET)** 7
MESSAGE: Attached is a Second Preliminary Amendment in connection with patent application Serial No. 10/658,911, filed September 10, 2003.

Please confirm receipt of this facsimile.

NOTE: Original will NOT follow

CONFIDENTIALITY NOTICE

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of *Burbank et al.*

For: TISSUE SITE MARKERS FOR IN VIVO
IMAGING

Serial No.: 10/658,911

Filed: September 10, 2003

Atty. Docket No.: R0367-01601

) Prior Application Examiner:
J. Pelham

) Prior Application Group Art
Unit: 3742

) **TRANSMITTAL**

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that these papers are being sent by facsimile to (703) 325-9306, addressed to Prior Application Examiner J. Pelham, at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 8, 2004, in San Francisco, CA.

Anne Marie Leavy
Anne Marie Leavy

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

1. Transmitted herewith for filing in the above-identified patent application is an Second Preliminary Amendment.

2. Claim Fee Calculation

No additional claim fee is required.

Amendment increases number of claims or multiple dependencies.

Additional Claim Fee Calculation

Description	Fee Code	Claims	Extra	Rate	Fees
Independent Claims	2201	3 - 3 =	0 x	\$44=	\$ 0
Total Claims	2202	15 - 20 =	0 x	\$9=	\$ 0

Total Fees Due \$-0-

4. Payment of Fees

Enclosed is a check for the total fees due in the amount of _____.

The Commissioner is authorized to charge any additional fees and to credit any overpayment of fees which may be required under 37 C.F.R. §1.16 or §1.17, to Deposit Account No 04-1679, referencing Atty. Docket No. R0367-01601.

By: *Edward J. Lynch*

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DEC 08 2004

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of) Prior Application Examiner: J. Pelham
 Burbank et al.)
 For: **TISSUE SITE MARKERS FOR**) Prior Application Group Art Unit: 3742
IN VIVO IMAGING)
 Serial No.: 10/658,911)
 Filed: September 10, 2003) **SECOND PRELIMINARY AMENDMENT**
 Docket No.: R0367.01601)

CERTIFICATE OF MAILING/FACSIMILE PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this these papers are being sent by facsimile to (703) 351-9306, addressed to Prior Application Examiner J. Pelham,
 at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 8, 2004, in San Francisco, CA.

Anne Marie Leary

Commissioner of Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

Please amend the above-identified application before examination as indicated
 below: